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PATENT  
Serial No: 10/667,451  
Docket No: 10517-185

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Takaaki Tokura, *et al.*  
Serial No. : 10/667,451  
Filed : September 23, 2003  
For : CONTROL APPARATUS AND METHOD FOR AUTOMATIC TRANSMISSION  
Group Art Unit : 3681 Confirmation No: 9463  
Examiner : Sherry Lynn Estremsky

**REQUEST FOR RESCINDMENT OF NOTICE OF ABANDONMENT**

**Mail Stop - Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants received the attached Notice of Abandonment mailed on May 31, 2005 concerning this application, which indicates that no reply was received to the Office Action dated October 28, 2004. However, on January 12, 2005, Applicants filed a Response to Office Action, as evidenced by the attached copies along with a PTO stamped postcard indicating the Response was filed on January 12, 2005.

Respectfully submitted,



\_\_\_\_\_  
David Zibelli  
Registration No. 36,394

Dated: June 10, 2005

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,451	09/23/2003	Takaaki Tokura	10517/185	9463
23838	7590	05/31/2005		
KENYON & KENYON 1 BROADWAY NEW YORK, NY 10004		EXAMINER		
		ESTREMSKY, SHERRY LYNN		
		ART UNIT		PAPER NUMBER
		3681		



DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JUN 10 2005

**Notice of Abandonment**

Application No.

10/667,451

Applicant(s)

TOKURA ET AL.

Examiner

Art Unit

Sherry L Estremsky

3681

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 28 October 2004.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

*Sherry Estremsky*  
 SHERRY ESTREMSKY  
 PRIMARY EXAMINER  
 AV3681 5-27-05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



**BEST AVAILABLE COPY**

The stamp of the Patent Office hereon may be taken as acknowledging the receipt, on the date stamped, of

**INVENTOR(S):** Takaaki TOKURA *et al.*  
**SERIAL NO.:** 10/667,451  
**FILED:** September 23, 2003  
**TITLE:** CONTROL APPARATUS AND METHOD FOR AUTOMATIC TRANSMISSION  
**GROUP ART:** 3681  
**EXAMINER:** Sherry Lynn ESTREMSKY

**PAPERS FILED:**

1. Response to Office Action (7 pages)
2. Request for Approval of Drawing Corrections (1 pg., FIG. 3)



Client: 10517-185

Atty: DJZ/lch

Date:  
1/12/05